

REMARKS

Reconsideration of this application is respectfully requested.

Claim 22 is directed to an apparatus for removing a cork from inside a mouth of a bottle. The apparatus includes one member which engages the outside of the mouth of the bottle. A handle is connected to the one member. A shaft is coupled to the handle so that movement of the handle rotates the shaft.

The shaft is set forth in claim 22 as including at least two spikes having a helical configuration throughout their length. The two spikes extend around a common longitudinal axis. The two spikes are embedded in the cork upon rotation of the shaft through movement of the handle.

Each spike of the at least two spikes is set forth in claim 22 as having an arcuately curving connecting portion which forms a portion of a helix and is fixedly connected to an end portion of the shaft. The connecting portion of each spike has an arcuate central axis which forms a portion of a helix and extends at an acute angle to a flat surface area on an end portion of the shaft at a location where: (1) the spike is connected to the end portion of the shaft and (2) where the arcuate central axis of the spike extends through a plane containing the flat surface area on the end portion of the shaft. When the two spikes are embedded in a cork, they are resistant to toggling in the cork and to being pulled axially from the cork.

Claim 22 defines over the prior art, and particularly the U.S. Patent to Bozzo (4,063,473) and the British Patent to Wilson (858) by setting forth each of the two spikes as having an arcuately curving connecting portion which is

connected to an end portion of the shaft. In the patent to Bozzo, the spike or worm portion 11 (Fig. 2) does not have an arcuately curving connecting portion which forms a portion of a helix and is fixedly connected to the end portion of a shaft. In the patent to Bozzo, the spike 11 has a straight portion which extends perpendicular to the end of the shaft 10. In Exhibit I, which is an enlarged copy of Fig. 2 of the Bozzo patent, the connecting portion has been colored red. It is believed to be clear that the connecting portion is not arcuately curving as set forth in claim 22.

Claim 22 further defines over the prior art by setting forth the connecting portion of each spike as having an arcuate central axis which forms a portion of a helix and extends at an acute angle to a flat surface area on the end portion of the shaft at a location where the spike is connected to the end portion of the shaft and where the central axis of the spike extends through a plane containing the flat surface area on the end portion of the shaft. In the patent to Bozzo, the spike 11 has a connecting portion which has been colored red in Exhibit I. The central axis of the connecting portion of Bozzo does not extend at an acute angle to a flat surface area on the end portion of the shaft at the location where: (1) the spike is connected to the end portion of the shaft and (2) the arcuate central axis of the spike extends through a plane containing the flat surface area on the end portion of the shaft. In the patent to Bozzo, the connecting portion, which has been colored red in Exhibit I, is straight and is not arcuate as set forth in claim 22. In the patent to Bozzo, the central axis of the connecting portion of the spike does not extend at an acute angle to a flat end surface of the shaft.

Claims 23 through 32 depend from claim 22 and define over the prior art for substantially the same reasons as does claim 22 and by virtue of the structure and function set forth in these claims taken in combination with the structure and function of claim 22. Specifically, claim 23 has the two spikes as being the pair of intertwined corkscrews which have a helical configuration.

Claim 24 depends from claim 23 and sets forth each of the spikes as having a distal end portion. The distal end portion of each of the spikes includes a tip portion which penetrates into the cork as the shaft is rotated. The tip portion of each of the spikes has a flat surface area which faces toward the common longitudinal central axis of the two spikes.

There is nothing in the U.S. Patent to Bozzo and/or the British patent to Wilson which suggests having helical spikes with distal ends having flat surface areas which face toward a common longitudinal central axis of the two helical spikes. The U.S. Patent to Bozzo discloses a helical spike or worm portion 11 which has a pointed end portion. The British Patent to Wilson also discloses helical spikes having pointed end portions. These spikes in these patents do not have flat surface areas which face toward a common longitudinal axis of the two spikes.

Claim 25 depends from claim 24 and sets forth the tip portion of each of the two spikes as having a surface area which forms a portion of a cone that penetrates into the cork as the shaft is rotated. The surface area which forms a portion of a cone at least partially encloses the flat surface area on the tip portion.

Claim 26 depends from claim 22 and sets forth the one member as comprising a lever which is pivotally attached to at least the one handle. Applicant's attorneys can not understand why claim 26 was objected to as being informal. Although the apparatus of claim 26 may be construed as covering various types of devices for removing a cork from a bottle, the embodiment of the invention illustrated in Figs. 1 and 2 of the application drawings includes a handle 20 to which a lever 30 is pivotally connected. Therefore, it is believed that the language of claim 26 is not informal. It should be noted that the U.S. Patent to Bozzo and the British patent to Wilson do not disclose members which engage the outside of a mouth of a bottle and are pivotally attached to a handle in the manner set forth in claim 26.

Claim 27 depends from claim 22 and sets forth the shaft as being pivotally attached to the handle to enable the angular relationship of a handle relative to the common longitudinal axis of the two spikes to be changed by pivoting the handle relative to the two spikes.

Claim 28 depends from claim 22 and sets forth the handle as comprising a pair of oppositely disposed handles which are pivotally mounted the at least one member. The one member engages the outside of the mouth of the bottle.

Claim 29 depends from claim 28 and sets forth each handle as including gear teeth that are in meshing engagement with rack teeth disposed on the shaft. Rotation of the handles about their pivotal connection to the member causes axial movement of the shaft.

Claim 30 depends from claim 29 and sets forth the cork as being removed by manually rotating the pair of handles which pulls axially on the shaft.

Claim 31 depends directly from claim 22 and sets forth a frame and a support member connected by an axially extending rod. The support member is movable relative to the frame. The shaft is mounted to and projects from the support member. Claim 31 was rejected as being unpatentable over a combination of the U.S. Patent to Bozzo, the British Patent to Wilson and U.S. Design Patent to Sterling (455,058). It is respectfully submitted that in the absence of applicant's disclosure, it would not be obvious to combine the diverse structures disclosed in these patents. Thus, the British Patent discloses a manually operated corkscrew having a simple handle A. There is nothing which would even remotely suggest providing the corkscrew apparatus in the British patent with the mechanism disclosed in the patent to Sterling and/or the mechanism disclosed in the patent to Bozzo.

Claim 32 depends from claim 31 and sets forth the one member as comprising a pair of clamping arms which are hingedly attached to the frame. The pair of arms define an opening for receiving the mouth of a bottle.

In view of the foregoing remarks, it is believed that the claims in this application clearly and patentably define over the prior art. Therefore, it is respectfully requested that the claims be allowed and this application passed to issue.

If for any reason the Examiner believes that a telephone conference would expedite the prosecution of this application, it is respectfully requested that the Examiner call applicant's attorneys in Cleveland, Ohio at 621-2234, area code 216. Please charge any deficiency in the fees for this application to our Deposit Account No. 20-0090.

Respectfully submitted,



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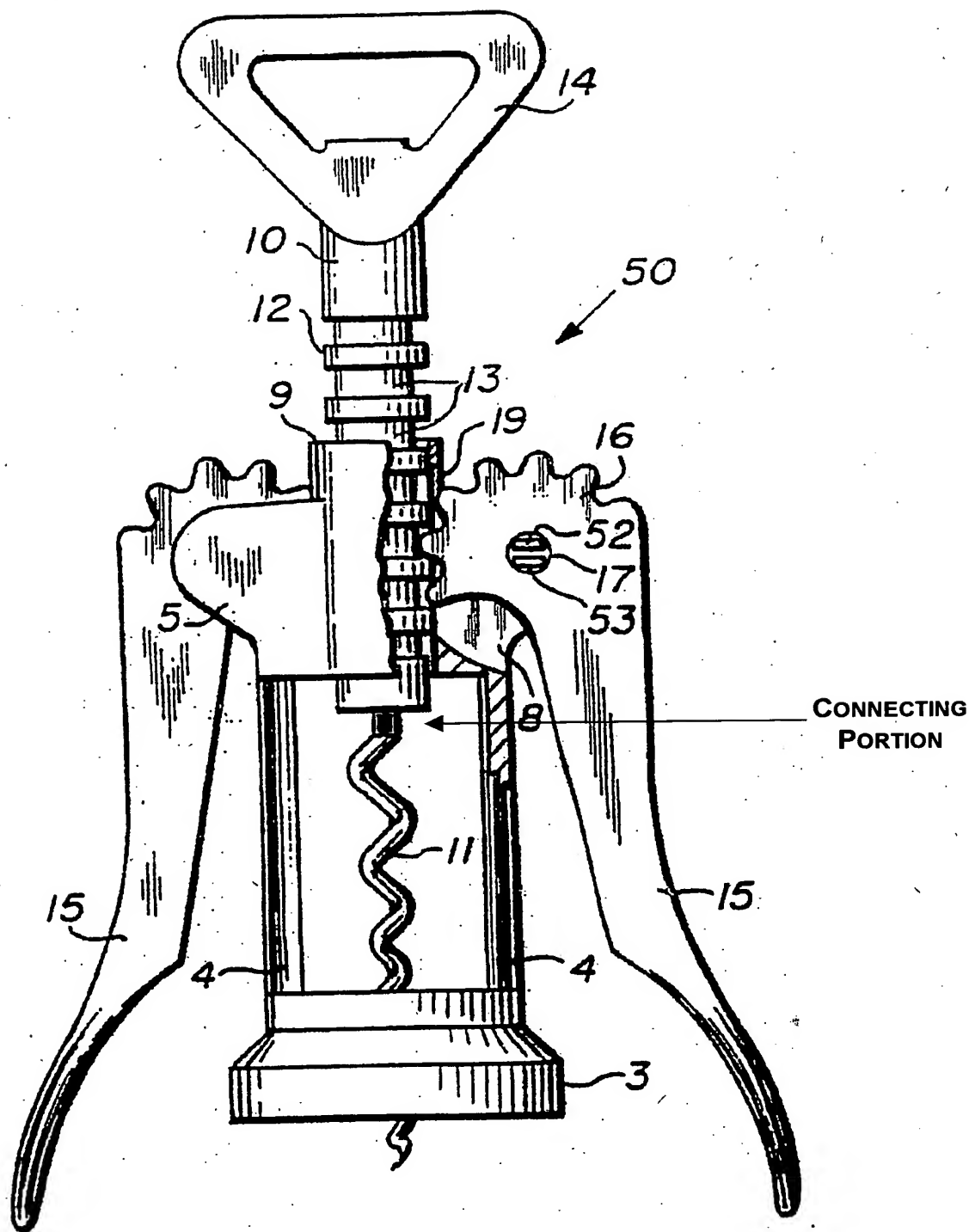


EXHIBIT I